

“(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.”.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 306, nays 97, not voting 30, as follows:

[Roll No. 130]

YEAS—306

Abercrombie	Chandler	Green (WI)
Ackerman	Chocola	Greenwood
Aderholt	Coble	Gutknecht
Akin	Cole	Hall
Baca	Conyers	Harman
Bachus	Cooper	Harris
Baker	Costello	Hart
Ballance	Cox	Hastings (WA)
Ballenger	Crane	Hayes
Barrett (SC)	Crenshaw	Hayworth
Bartlett (MD)	Crowley	Hensarling
Barton (TX)	Cubin	Herger
Bass	Culberson	Hobson
Beauprez	Cunningham	Hoefel
Becerra	Davis (FL)	Hoekstra
Bereuter	Davis (TN)	Holden
Berman	Davis, Jo Ann	Hooley (OR)
Biggett	Davis, Tom	Hostettler
Bilirakis	Deal (GA)	Hunter
Bishop (GA)	DeFazio	Hyde
Bishop (NY)	DeLay	Isakson
Bishop (UT)	Deutsch	Israel
Blackburn	Diaz-Balart, L.	Issa
Blumenauer	Diaz-Balart, M.	Istook
Blunt	Doolittle	Jefferson
Boehner	Doyle	Jenkins
Bonilla	Dreier	Johnson (IL)
Bonner	Dunn	Johnson, Sam
Bono	Edwards	Jones (NC)
Boozman	Ehlers	Kanjorski
Boswell	Emerson	Keller
Boucher	Engel	Kelly
Boyd	English	Kennedy (MN)
Bradley (NH)	Etheridge	Kildee
Brady (TX)	Everett	Kind
Brown (SC)	Fattah	King (IA)
Brown, Corrine	Feeney	King (NY)
Brown-Waite,	Ferguson	Kingston
Ginny	Flake	Kirk
Burgess	Foley	Kleczka
Burns	Ford	Kline
Burr	Fossella	Knollenberg
Burton (IN)	Frank (MA)	Kolbe
Buyer	Franks (AZ)	LaHood
Calvert	Frelinghuysen	Lampson
Camp	Garrett (NJ)	Lantos
Cannon	Gerlach	Latham
Cantor	Gibbons	Leach
Capito	Gilchrest	Levin
Capps	Gillmor	Lewis (CA)
Capuano	Gingrey	Lewis (GA)
Cardoza	Goode	Lewis (KY)
Carson (IN)	Goodlatte	Linder
Carson (OK)	Goss	Lipinski
Case	Granger	LoBiondo
Castle	Graves	Lofgren
Chabot	Green (TX)	Lowey

Lucas (KY)	Petri
Maloney	Pickering
Manzullo	Pitts
Markey	Platts
Marshall	Porter
Matheson	Portman
McCarthy (MO)	Price (NC)
McCarthy (NY)	Pryce (OH)
McCotter	Putnam
McCrery	Quinn
McHugh	Radanovich
McIntyre	Rahall
McKeon	Ramstad
McNulty	Rangel
Meek (FL)	Regula
Meeks (NY)	Rehberg
Mica	Renzi
Miller (FL)	Reyes
Miller (MI)	Reynolds
Miller (NC)	Rodriguez
Miller, Gary	Rogers (AL)
Moore	Rogers (KY)
Moran (KS)	Rogers (MI)
Moran (VA)	Ros-Lehtinen
Murphy	Roybal-Allard
Murtha	Royce
Musgrave	Ruppersberger
Myrick	Rush
Napolitano	Ryan (WI)
Nethercutt	Ryun (KS)
Neugebauer	Sanchez, Loretta
Ney	Sandlin
Northup	Saxton
Norwood	Schrock
Nussle	Scott (GA)
Ortiz	Scott (VA)
Osborne	Sensenbrenner
Ose	Sessions
Otter	Shadegg
Owens	Shaw
Oxley	Shays
Pascarella	Sherman
Pastor	Sherwood
Paul	Shimkus
Pearce	Simmons
Pence	Simpson

NAYS—97

Alexander	Hill
Allen	Holt
Andrews	Honda
Baird	Hoyer
Baldwin	Inlee
Bell	Jackson (IL)
Berkley	John
Berry	Johnson (CT)
Brady (PA)	Johnson, E. B.
Brown (OH)	Kaptur
Clay	Kennedy (RI)
Cramer	Kilpatrick
Cummings	Kucinich
Davis (AL)	Langevin
Davis (CA)	Larsen (WA)
Davis (IL)	Larson (CT)
DeGette	LaTourette
DeLauro	Lee
Dicks	Lucas (OK)
Dingell	Lynch
Doggett	Majette
Dooley (CA)	Matsui
Emanuel	McCollum
Eshoo	McDermott
Evans	McGovern
Farr	McInnis
Filner	Meehan
Frost	Menendez
Gonzalez	Michaud
Gordon	Miller, George
Grijalva	Nadler
Gutierrez	Neal (MA)
Hefley	Oberstar

NOT VOTING—30

Boehlert	Hastings (FL)	Nunes
Cardin	Hinche	Payne
Carter	Hinojosa	Peterson (PA)
Clyburn	Houghton	Pombo
Collins	Hulshof	Shuster
Delahunt	Jackson-Lee	Smith (MI)
DeMint	(TX)	Tauzin
Duncan	Jones (OH)	Taylor (NC)
Forbes	Millender	Toomey
Gallegly	McDonald	Young (AK)
Gephardt	Mollohan	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members

are advised 2 minutes remain in this vote.

□ 1623

Ms. BERKLEY, Mr. GORDON and Ms. LINDA SÁNCHEZ of California changed their vote from “yea” to “nay.”

Mr. SPRATT and Mr. LEWIS of Georgia changed their vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.”

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, I missed votes on Thursday, April 22, 2004, due to a representational activity. Had I been present, the record would reflect that I would have voted: roll 128, Larson No. 1 amendment; “aye”; roll 129, Larson No. 2 amendment, “aye”; roll 130, Final Passage H.R. 2844 Continuity in Representation Act, “nay.”

#### PERSONAL EXPLANATION

Mr. CARTER. Mr. Speaker, during rollcall votes 126, 127, 128, 129, and 130 I was unavoidably detained. If I had been present, I would have voted “yea” on rollcall votes 126, 127, and 130. I would have voted “nay” on rollcall votes 128 and 129.

#### GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2844.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the following week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I thank the distinguished whip for yielding to me.

Mr. Speaker, next week the House will convene on Tuesday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several

measures under suspension of rules. A final list of these bills will be sent to Members' offices by the end of this week. Any votes called on these measures will be rolled until 6:30 p.m. on Tuesday.

On Wednesday and Thursday, the House will convene at 10 a.m. We plan to consider H.R. 4181, which would permanently remove the marriage tax penalty from the Internal Revenue Code. In addition, we expect to consider a short-term extension of the highway bill, as the current extension expires at the end of this month.

Finally, I would like to remind all Members that we do not plan to have votes next Friday, April 30.

Mr. HOYER. Ms. Chairman, I appreciate that information.

With respect to the transportation reauthorization bill, can the leader tell me for what length of time we will extend the existing authorization?

Mr. DELAY. Mr. Speaker, if the gentleman will yield further, it is just an extension of the authorization. As far as length of time, the bill has not been written yet, but in the discussions that I have been privy to, I am advised that it could very well be about 2 months.

Mr. HOYER. The same period as we had on this bill.

Mr. DELAY. Yes.

Mr. HOYER. I thank the gentleman.

With respect to the fiscal 2005 budget resolution, do you expect we might see a conference report on the budget next week?

Mr. DELAY. If the gentleman will yield further, based on the feedback that I have gotten from the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, I believe that we could very well see the budget resolution conference report be completed in time so that we could vote on it sometime next week.

Mr. HOYER. Is the pay-as-you-go provision still a major stumbling block in the conference, or does the gentleman know?

Mr. DELAY. If the gentleman will yield further, I am not privy to the discussions between the other body and the House in the conference committee, so I really cannot answer that question.

Mr. HOYER. With respect to the marriage penalty tax bill, will this bill be considered in the Committee on Ways and Means?

Mr. DELAY. The marriage penalty bill, yes, will be marked up by the Committee on Ways and Means, I believe.

I am being corrected, and I appreciate the correction. I think it is not going to be marked up by the Committee on Ways and Means. It is coming straight to the floor.

Mr. HOYER. Reclaiming my time, the reason I asked the question, obviously, is members of the Committee on Ways and Means had not heard about marking up that bill. Is there some reason we are not pursuing the regular order and having that bill reported back out of the committee?

Mr. DELAY. If the gentleman will yield further, this is a very simple, straightforward provision. It is the same provision we have carried and passed by this House many times. It is not very complicated. I am advised that the chairman of the committee did not feel that he needed to use the time of the committee to mark up such a very simple bill that has been discussed and debated on this floor many times, and passed by the House many times.

Mr. HOYER. I cannot help myself for making this remark, Mr. Leader, but I am not surprised that the chairman of the committee feels it would not be necessary to go to the committee to ask for approval to have something passed out of that committee. We Democrats particularly know that that is the case.

Mr. Leader, we have information that leads us to believe that on subsequent weeks we are going to be considering the child care tax credit, the 10 percent tax bracket and possibly AMT. Is that information accurate?

Mr. DELAY. If the gentleman will yield further, as the gentleman knows, when we passed the Jobs and Economic Growth Tax Act last year, we accelerated several important provisions from the 2001 tax bill. Our goal was to allow more families and more businesses to keep more of their money, thereby encouraging private sector investment and consumer spending. These investments are driving, we feel, the economy forward. They are helping create more than half a million jobs in this year alone.

Over the next few weeks, I expect the House to continue those efforts by considering legislation, as the gentleman has outlined, that will ensure that families do not face a tax increase next year by extending marriage penalty relief, continuing the new low 10 percent bracket, extending the \$1,000-per-child tax credit, and I believe the Committee on Ways and Means is considering an AMT reform. That will be done over the next several weeks.

Mr. HOYER. Reclaiming my time, I take that as a yes.

The gentleman mentioned extending the \$1,000 child tax credit. Do you think this time we might include those families that are making less than \$26,000 on this go-around? That has been pending for many, many months now, and, seeing as how you mentioned it, I thought I might inquire as to whether or not we might finally include the poorest working Americans in the benefit that has been extended to those that are doing a little better.

I yield to my friend.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I cannot prejudge what the Committee on Ways and Means might decide to do on that particular bill, but I have a feeling that if this bill became law, the gentleman's concerns would all be taken care of.

Mr. HOYER. I doubt that there is any bill that can pass that will take care of

all my concerns, Mr. Leader, but I appreciate the information.

On those additional items, do you expect them as well not to go through the committee process and be considered by the committee, but come directly to the floor?

I yield to the gentleman.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding further.

As the gentleman has already found out, I thought it was being marked up this week and was told differently. I do not know how to answer that question, other than the fact that each bill will be considered on its own merits by the Committee on Ways and Means, and they will have to make a decision whether the bill merits a markup or allow it to come straight to the floor.

Mr. HOYER. Mr. Leader, the last question I would ask you with respect to these tax bills, is it your expectation that the minority will be given the ability to offer a substitute on the bill coming up this week, the marriage penalty, but as well on the subsequent bills?

I yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding further.

Of course, I obviously would defer for a final decision to the Committee on Rules, but I imagine, as is our longstanding tradition and custom of the House procedures, particularly in regard to tax measures, I would believe that they would prefer to limit the number of amendments, if any, to limit those amendments to germane substitutes.

□ 1630

Mr. HOYER. Mr. Speaker, reclaiming my time, let us assume the substitute is germane. Will we be allowed the opportunity to offer a germane substitute?

Mr. DELAY. Mr. Speaker, if the gentleman would yield, again, I would defer that kind of decision to the Committee on Rules; but, obviously, in most cases that I can remember a tax bill, there have been substitutes to the tax bills as long as they are germane.

Mr. HOYER. I thank the gentleman for that observation.

Lastly, I would say to the leader we understand this morning that the National Security Adviser Condoleezza Rice briefed the Republican Conference. I want to say that we have been offered the opportunity to have the National Security Adviser brief the Democratic Caucus. I think we will take advantage of that. But, Mr. Leader, clearly the present situation in Iraq is not what any of us would want.

During the course of this effort in Iraq, and immediately before it, we had briefings on this floor. Secretary Rumsfeld and from General Myers, from Deputy Secretary Wolfowitz, from Mr. Tenet, the Director of the CIA, from Mr. Mueller of the FBI, numerous others. And we came together as Republicans and Democrats and had the opportunity to be briefed. We had the

opportunity together to ask questions. Some of those, as my colleague knows, were in closed session because we discussed security information.

I want to say to my friend that we were disappointed that we did not do that this morning. Both of our caucuses are partisan; they represent parties. We were disappointed that this briefing was given on a partisan basis. We do not think that is in the best interest of the country; we do not think it is in the best interest of this Congress.

Mr. Leader, I would urge you to, on behalf of your leadership, join with us in assuring that, A, we have a number of bipartisan briefings from the principals involved as to what is going on. Our public is concerned, my colleague's people, my people, very concerned about what is happening to our troops, very concerned about our success in Iraq. I say that, as my friend knows, as one of those who supported the effort, supported the funding of this effort. But all of us have to be concerned about the situation.

So I would ask the leader if he might comment on the fact that we have historically had under Democratic leadership, Republican leadership, bipartisan briefings. I would hope that we could continue to have such. As I say, I think it is in the best interest of the country.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding. I can appreciate his disappointment, but I need to point out to the gentleman that this is not limited to Republicans. The gentleman has already said that Dr. Rice would gladly brief his caucus. Just as the President meets with bipartisan leadership, he has meetings with bipartisan Members of Congress, he also has meetings with Republicans. And he has on occasion had meetings with Democrats. This is not limiting or closing out anybody. It is just in this particular case we invited the NSC director to speak to the Republican Conference.

We have had and have notified your leadership that bipartisan briefings will be held by the NSC director as bipartisan meetings, as the gentleman has pointed out, have been held by the Secretary of Defense, the Chiefs of Staff, the CIA, and many, many others. It is just an added briefing that we felt we wanted to have. And certainly, the NSC director made sure that the same courtesy was paid to the Democratic Caucus, and she is more than willing to come before the Democratic Caucus.

No one is trying to be shut out, but there are times when our caucus wants to talk to this administration and we ought to be allowed to do that as long as we get briefings and open briefings in a bipartisan way as well.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that comment. I understand his observation. The gentleman will remember one of the most wrenching caucuses in which I participated was a bipartisan caucus after we tragically lost those 18 members of the

service when the Black Hawk went down in Mogadisho, Somalia. And as you may recall, it was extraordinary. I think we must have had 350 of our Members in HC-5 in which Secretary Christopher and Secretary Aspin came and reported to us on the situation on the ground.

I understand what my colleague is saying, and he certainly has that right; but I think that the fact that we can meet together to get information together so that we are all getting the same information and hear one another's questions, hear one another's concerns, which reflect the concerns of the 280 million Americans, many of whom have young people overseas, and some, as he knows, because he has met with them as I have that are not so young in the National Guard and Reserve, we think it would be useful to do that in a bipartisan way together so that we could all hear the same information and therefore be able to work together to assist in solving what is a very difficult problem, ensuring to the greatest extent we can the safety of our people and the success of our mission.

But I thank the gentleman for his observations.

ADJOURNMENT TO MONDAY, APRIL 26, 2004, AND HOUR OF MEETING ON TUESDAY, APRIL 27, 2004

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday, April 26, 2004; and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, for morning hour debate.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATION FROM THE HONORABLE NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
April 21, 2004.

Hon. J. DENNIS HASTERT,  
Speaker of the House,  
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 637(d)(1) of the HELP Commission Act (P.L. 108-199), I hereby appoint Mr. Lynn C. Fritz of California, Mr. C. Payne Lucas of Washington, D.C. and Mr. Jeffery D. Sachs of New York, to the Helping To Enhance The Livelihood Of People (HELP) Around The Globe Commission.

Best regards,

NANCY PELOSI.

#### SENATOR KERRY HAS THE SUPPORT OF VETERANS

(Mr. SMITH of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Washington. Mr. Speaker, throughout this Presidential campaign, we have heard from the Republicans repeatedly that they will not question Senator KERRY's patriotism. We all figured that was an empty promise, but it has been proven true in the well of this House this morning.

Several Republican Members came up and directly called into question Senator KERRY's patriotism based on his objections to the Vietnam War. And beyond that, we have even heard Republicans out on the airwaves questioning his service in Vietnam.

I do feel that there are many more important issues in this campaign that are legitimate to talk about. Senator KERRY has unbelievable support from veterans in this country. All 50 States have veterans for Kerry organizations that are strong and hard-working to support the Senator and, perhaps most tellingly, are the people who served with him in Vietnam. All of those people are supporting Senator KERRY regardless of their political stripes. Many are taking large chunks of personal time to go around and be supportive of him.

His record in Vietnam and his record afterwards should not be questioned, and it is being questioned by the Republicans. I think Senator MCCAIN said it best some time ago when asked about this and asked about Senator KERRY's protest against the war. He said that Senator KERRY's service in Vietnam fighting for our country more than gave him the right to protest the war if he thought it was wrong.

Senator KERRY honorably served this country in Vietnam, volunteered to serve, volunteered for combat duty, and he honorably upheld the traditions of this country when he came home and pursued his personal convictions to oppose the war. We should recognize that service.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BURNS). The gentleman will refrain